

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4993

IN THE MATTER OF:

Served January 6, 1997

Application of FAITH
TRANSPORTATION INC., for a
Certificate of Authority --
Irregular Route Operations

) Case No. AP-96-65
)
)
)

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

Applicant proposes commencing operations with seventeen vans. Applicant's proposed tariff contains per capita rates, principally, but not exclusively, for transportation of children to and from school.

Applicant filed a balance sheet as of September 30, 1996, showing assets of \$95,088; liabilities of \$48,286; and equity of \$46,802. Applicant's projected operating statement for the first twelve months of WMATC operations shows WMATC operating income of \$997,500; expenses of \$971,482; and net income of \$26,018.

Applicant certifies it has access to, is familiar with, and will comply with the Compact and the Commission's rules and regulations thereunder.

Based on the evidence in this record, the Commission finds that the proposed transportation is consistent with the public interest and that applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

Because Applicant is under common control with Word Transportation, Inc., this case is also governed by Title II, Article XII, Section 3(a)(iii),¹ which provides that a "carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to . . . acquire control of another

¹ In re City Visions, Inc., No. AP-95-54, Order No. 4741 (Jan. 16, 1996).

carrier that operates in the Metropolitan District through ownership of its stock or other means." The Commission may approve such a transaction if it is consistent with the public interest.² The public interest analysis under Article XII, Section 3, focuses on the acquiring party's fitness, the resulting competitive balance and the interests of affected employees.³

Analysis of the relevant factors supports a finding of consistency with the public interest. The sole stockholder of applicant is also the president of Word. Our current finding of applicant's fitness permits an inference of the acquiring party's fitness.⁴ There should be no adverse effect on competition. Word has filed for liquidation in bankruptcy. Employees of a carrier with preexisting non-WMATC operations, such as applicant, presumably have an interest in their employer acquiring valuable new operating rights.⁵

The Commission finds that the proposed common control is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 377 shall be issued to Faith Transportation Inc., 5801 Old Silver Hill Road, Forestville, MD 20747.
2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.
3. That applicant is hereby directed to file the following documents within thirty days: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the

² Compact, tit. II, art. XII, § 3(c).

³ In re Cavalier Transp. Co., Inc., t/a Tourtime America, Ltd., & Tourtime America Motorcoach, Ltd., No. AP-96-21, Order No. 4926 (Sept. 12, 1996).

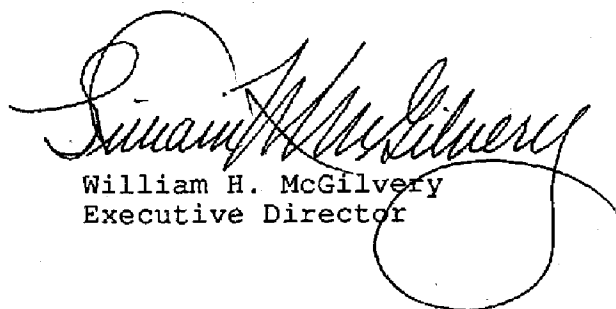
⁴ Order No. 4741.

⁵ Id.

State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61.

4. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:



William H. McGilvery
Executive Director

